

Anthony, in the Mississippi river, to maintain the present dams and sluices, and construct and maintain dams, canals, and water sluices, erect mills, buildings, or other structures for the purpose of manufacturing in any of its branches, or improving any water power owned or possessed by said Company, in such manner, or to such extent as shall be authorized by the Directors of said Company, and may construct dams on the rapids above or below the Falls of Saint Anthony, with side dams, sluices, and all other improvements in the Mississippi river, upon the property owned or to be owned by said corporators, which may be necessary for the full enjoyment of the powers herein granted; Provided, however, that said corporation shall give a free passage for all loose logs that are to be manufactured on Hennepin or Cataract Islands, or between them on the Falls, through any dam or dams they may erect, on the west side of Nicollet or Hennepin Islands, and the passage through the pond, above said dam, shall when needed, be twenty feet wide; Provided, that nothing herein contained shall be so construed as to authorize said corporation to interfere with the rights or property of any other person or persons whatever.

Sec. 10. All acts or parts of acts inconsistent with this act are hereby repealed. Acts inconsis-
tent repealed.

Sec. 11. This act shall take effect and be in force from and after its passage. Take effect

CHARLES GARDNER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—February twenty-sixth, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER, *Secretary of Minnesota Territory.*

CHAPTER CXXXVI.

An Act to Incorporate the Town of Monticello.

- SECTION 1. Corporation limits of the town of Monticello.
2. Elect officers.
 3. Choose judges and clerk of election.
 4. Take oath.
 5. Created body corporate.
 6. Duty of officers.
 7. Power to fill vacancies.
 8. Power to make laws.
 9. Make out receipts and expenditures.
 10. Improve streets.
 11. Assess tax.
 12. Collecting taxes.
 13. Deliver up books.
 14. Town council to deed lots.
 15. When to take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

SECTION 1. That so much land in the county of Wright, Territory
S. L.—28.

Corporation
limits

of Minnesota, as is contained in the town site of Monticello, not exceeding three hundred and twenty acres, be, and the same is hereby created a town corporate by the name of Monticello.

Election

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of the Legislative Assembly of the Territory of Minnesota, to meet at the place of holding the last general election in the precinct of Monticello, on the first Wednesday of April next, and at the same time annually thereafter, at such place in said town as the town council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors shall be elected and qualified, and such President, Recorder and Trustees, being so elected and qualified, shall constitute the town council of said town; any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Judges & Clerk

SEC. 3. At the first election to be holden under this act, there shall be chosen *viva voce* by the electors present at the time for opening the polls on the day for holding said first election, two judges, and a clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this act, and at all subsequent elections the Trustees, or any two of them, and the Recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected of their election; and it shall be the duty of the said town council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town.

Take oath

SEC. 4. Each member of said town council, before entering upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States, and also an oath of office.

Created body
corporate

SEC. 5. The President, Recorder and Trustees of said town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of "The Town of Monticello," and shall be capable in law by their corporate name aforesaid, to acquire property, real, personal and mixed, for the use of said town, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure. They may sue and be sued, plead and be impleaded, defend and be defended in all manner of actions in all courts of law and equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof, left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process.

he shall pre-
vide

SEC. 6. The President, and in his absence, the Recorder, shall preside at all meetings of the town council; and the Recorder shall attend all meetings of the town council, and make a fair and accurate record of their proceedings, and of the by-laws, rules and ordinances made or passed by the common council aforesaid, and the same shall at all times be open for inspection of the electors of said town; but in case of the absence, or

nability of the Recorder, the Trustees may appoint a clerk, pro tempore.

SEC. 7. The town council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified voters of said town, who shall hold their appointments until the next annual election, and until successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the town council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being.

SEC. 8. The said town council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal at pleasure, to provide in such by-laws for the appointment or election of a Treasurer, town Marshal, and all the subordinate officers, they may think necessary for the good government and well being of said town; to prescribe their duties and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security conditioned for the faithful performance of their respective offices. The town council shall also have power to fix to the violation of the by-laws and ordinances of the corporation, reasonable fines and penalties: Provided, That such by-laws and ordinances be not inconsistent with the laws of the United States, or of this Territory. And provided, also, that no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in one of the most public places within said town, and the certificate of the Recorder entered upon the record of said town council, shall be deemed and taken to be sufficient evidence of such publication.

SEC. 9. The town council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

SEC. 10. The town council shall have power to regulate and improve the levees, streets and alleys, and determine the width of side-walks in said town; to regulate the public grounds, to erect a new market house, and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, and do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town.

SEC. 11. For the purpose of more effectually enabling the said council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this Territory, so that said tax shall not exceed in any one year, five mills on the dollar of valuation, as the same may be found on the books of the county commissioners of the county within which said town may be located at the time of assessing said tax. The town shall also have power if authorized to do so by a majority of all the electors in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a fire company, and purchase an engine, hose and other necessary apparatus for the extinguishment of fires in said town; public notice of which meeting and the object thereof, shall be given by posting up a written or printed notice thereof, in at least three of the most public places in said town, ten days before the time of such meeting.

Collect tax

SEC. 12. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of each county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, or such other person as shall be appointed collector, whose duty it shall be to collect such tax, in the same manner, under the same regulations as other county taxes are collected; and the said Marshal, or such other person as may be appointed collector, shall, immediately after collecting such tax, pay the same over to the treasurer of said corporation, and take his receipt therefor; and the said Marshal or collector, shall have the same power to sell both real and personal property, for the non-payment of the corporation taxes as is given to the county collector; and when necessary, the Recorder shall have the same power to make deeds in the same manner that sheriffs do; and the Marshal or other collector shall receive for his fees such sum as the town council may direct, not exceeding six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

Deliver up books

SEC. 13. The President, Recorder or other officers of said corporation shall, on demand, deliver to their successors in office, all such books and other property, as appertain in any wise to said corporation.

Assess tax

SEC. 14. It shall be the duty of said town council, as soon as the title to said lands shall be obtained from the government of the United States, to ascertain the number of persons entitled to lots or squares within the said town, who may have a valid right, either by an original claim, or by transfer from any person or persons having made an original claim to said lands, and to deed under the hand of the President, and attested by the Recorder, and sealed with the seal of said corporation, to every such person entitled as aforesaid, the lots or squares of land to which every such person may be entitled as aforesaid; Provided, that no street or alley shall be so deeded; and provided also, that any person or persons to whom lots or squares shall be deeded as aforesaid, shall previously have paid to the Treasurer or Recorder of said town, at the rate of two dollars per acre on all lots or squares so deeded.

Take effect

SEC. 15. This act shall take effect from and after its passage.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill on file in my office.

J. TRAVIS ROSSER,

Secretary of Minnesota Territory.